Beyond Free and Fair

Monitoring Elections and Building Democracy

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Chapter 3

Elections and Election Monitoring

> While democracy must be more than free elections, it is also true . . . that it cannot be less.
>
> —UN secretary general Kofi Annan[1]

The greater focus on democracy and the growing acceptance of interventions to support democratic reform have led to an extraordinary focus on elections. The remarkable trend that has made election monitoring a common, accepted international activity has both resulted from and contributed to this attention to elections. Since the late 1980s, election monitoring has exploded. Intergovernmental organizations now routinely support and monitor elections around the world. Formal election monitoring is not generally perceived as necessary in established democracies and is not permitted in closed, nondemocratic societies. But in democratizing and semiauthoritarian countries, election monitoring has become the norm and is now effectively a prerequisite in such countries for elections to be viewed as legitimate.

This chapter assesses the growing international importance of both elections and election monitoring and defines important concepts and terms. First, the chapter addresses elections. Even though the international emphasis on elections is sometimes misplaced, I argue that the international promotion of democratic elections is justifiable. The chapter distinguishes categories of elections in order to narrow the focus to those elections that are most worthy of international attention. Next, I consider the important threshold question of the authority and acceptability of international election observers in international practice. Then I explain broad concepts and types of election monitoring, including important distinctions among ob-

servation, monitoring, and supervision and between international and domestic election monitoring. Finally, the chapter reviews the extent of election monitoring around the world since 1990. I summarize and draw observations from a novel, detailed database about election monitoring in ninety-four newly democratic and semiauthoritarian countries.

The Growing Importance of Elections in Democratization and International Relations

It has become fashionable to point out the obvious truth that genuine democracy requires substantially more than democratic elections. Inveighing against "illiberal democracy," the noted commentator Fareed Zakaria argues, "Across the globe, democratically elected regimes . . . are routinely ignoring constitutional limits on their power and depriving their citizens of basic rights."[2] He criticizes the international emphasis on elections:

> In some places, such as Central Asia, elections have paved the way for dictatorships. In others, they have exacerbated group conflict and ethnic tensions. Both Yugoslavia and Indonesia, for example, were far more tolerant and secular when they were ruled by strongmen . . . than they are now as democracies. And in many nondemocracies, elections would not improve matters much. Across the Arab world elections held tomorrow would probably bring to power regimes that are more intolerant, reactionary, anti-Western, and anti-Semitic than the dictatorships currently in place.[3]

Jack Snyder of Columbia University argues that elections often sharpen ethnic and national differences. "Naively pressuring ethnically divided authoritarian states to hold instant elections," he suggests, "can lead to disastrous results."[4] Warns Amy Chua of Yale Law School, "For the last twenty years the United States has been vigorously promoting instantaneous democratization—essentially overnight elections with universal suffrage—throughout the non-Western world. In doing so we are asking developing and post-Communist countries to embrace a process of democratization that no Western nation ever went through."[5]

It is true that the international community sometimes has overemphasized elections. In transitional or postconflict societies, Western governments and multilateral organizations expect elections to do too much or push for them to take place too soon. Certainly elections are far from a panacea, and they can fuel political and social divisions. But the idea that donors, diplomats, and democracy promoters organizations unthinkingly advocate elections above all else is mostly a caricature. Sophisticated development agencies and democracy-assistance organizations recognize the essential importance of building democratic culture and the rule of law as well as the danger of early elections in ethnically divided societies.

Moreover, elections do matter. Samuel Huntington explains, "Elections, open, free and fair, are the essence of democracy, the inescapable sine qua non."[6] All societies need political institutions and processes that are capable of addressing and resolving social divisions and competition for political power through democratic means. The five main reasons for this emphasis on elections are both philosophical and practical.

First, international declarations and international norms unambiguously establish elections as the basis of legitimate government. The Universal Declaration of Human Rights provides that the "will of the people shall be the basis of the authority of government" as "expressed in periodic and genuine elections." The International Covenant on Civil and Political Rights (ICCPR) incorporates this principle in a binding international treaty. The ICCPR provides that "Every citizen shall have the right and the opportunity . . . to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot."[7]

Regional and other international instruments reinforce and elaborate upon these rights. International agreements and declarations in Africa, Europe, and the Americas recognize the right to participate in government, directly or through elected representatives. Most of these documents specifically recognize the right to elections. Regional conventions generally follow the language of the Universal Declaration and the ICCPR that elections need be "periodic" and "genuine." Some use the term "free and fair." Some also add adjectives such as "honest" or "transparent." Regardless of these various formulations, international instruments are consistent in their commitment to democratic elections. In 2000, in response to one-party states that claim to hold democratic elections, the UN Commission on Human Rights specifically recognized a right to vote in "a free and fair process . . . open to multiple parties."[8]

Second, elections contribute to respect for other rights. As the former U.S. State Department official Elizabeth Clark argues, "Elections have come to be contrasted with genuine democracy without recognition that elections that meet emerging universal standards, with their insistence and fair play, support democracy."[9] Pointing to an increase in the number of electoral democracies and the decline in the number of illiberal democra-

cies in the world, Adrian Karatnycky of Freedom House argues that "the emergence of electoral democracies has been the best indicator of subsequent progress in the areas of civil liberties and human rights."[10]

Third, elections have practical, political consequences. An election is often a critically important event in a country's transition from authoritarianism. Competitive elections can catalyze profound but peaceful political change. Although elections are more or less routine in democracies, elections in societies in transition or crisis are unusual events that, if successful, not only confer legitimacy on governments but also can profoundly influence institutions, power arrangements, and expectations. The 1986 election in the Philippines, for example, was critical to the unseating of Ferdinand Marcos and the restoration of democracy; subsequent elections in the Philippines helped strengthen the country's democratic foundation. Since then, elections have furthered democracy in countries as diverse as Indonesia, Mexico, Nigeria, Peru, Poland, South Africa, and Yugoslavia.

Fourth, elections—particularly transitional elections—provide significant new opportunities for citizen involvement in public affairs. They are an opportunity to engage civic organizations and citizens in democratic politics through voter education, election monitoring, policy research, and advocacy. Elections provide an opportunity for younger leaders, with new values and perspectives, to become involved in politics. They also can provide an avenue for the participation of social groups that traditionally have had less access to politics and governance, such as women, minorities, poor people, and those who are socially disadvantaged.

Fifth, even though elections can exacerbate social divisions, competitive elections contribute to effective and stable governance. Elections provide a predictable and accepted mechanism for maintaining governmental accountability and determining leadership succession, in contrast to the uncertainty created by authoritarian systems in countries such as China, Cuba, Iraq, North Korea, and Vietnam. Elections are a vehicle for managing political competition. They stimulate interaction and communication between governments and the governed, and they help to educate the public and politicians. Elections can validate existing regimes, leaders, and policies. Fair elections contribute to, and are increasingly required for, not only international legitimacy but also domestic stability.

In sum, democratic elections are required under international law, encourage respect for other rights, and can be significant catalysts to greater democracy (table 3.1). They provide an important opportunity to broaden citizen participation in public life and offer a means of establishing accountability and channeling political competition. For these reasons, elections are an entirely appropriate focus of democracy assistance.

Table 3.1
Reasons for the International Emphasis on Elections

1. International law and international norms establish the right to "periodic and genuine elections."
2. Elections reinforce respect for human rights.
3. Elections can catalyze political transitions.
4. Election provide opportunities for citizen participation and political involvement.
5. Elections contribute to effective, accountable, and stable governance.

Types of Elections

Elections attracting international attention are often national contests for political office, such as president or national parliament, but also significant are elections held for constituent assemblies responsible for promulgating new constitutions as well as referenda, plebiscites, or other electoral exercises on fundamental questions such as independence, peace accords, or constitutional arrangements.[11] It is useful to distinguish four types of elections: regular, transitional, postconflict, and consolidating.

Regular elections are those in which electoral authorities are generally trusted to be impartial and the rules and outcomes are largely accepted. Although no elections are perfect, and the 2000 presidential election in the United States reminds us that elections in established democracies do not always gain full public acceptance, elections in democracies are not discontinuous or exceptional events. In democratic countries, electoral rules or procedures tend not to be a leading source of controversy, and candidates and parties contest elections over policies, parties, and personalities rather than the political system itself.

Transitional elections—sometimes called "first" or "first-generation" elections—mark a move from an authoritarian or controlled political system toward a more open and democratic one. These elections, by definition, are substantially more open and competitive than those that preceded them. They may initiate broader political transitions or they may effectively mark the end of an important transitional phase. Transitional elections often, although not necessarily, involve a shift in political power to a new government. They may be part of a transition process that is managed by existing

political elites or one that is demanded by opposition forces or the public, but in any case they are elections that are discontinuous, that mark a sharp break with the past. Whether given elections are truly transitional, however, sometimes cannot be determined until later.

Postconflict elections occur at the end of civil wars or struggles for self-determination or over sovereignty, generally as part of internationally negotiated or supervised settlements. Often the international community plays a prominent role in such exercises, either by supervising or even organizing them. Electoral contests in such circumstances sometimes take the form of referenda on independence or elections for a constituent assembly responsible for adopting new constitutional arrangements. Postconflict elections have played a prominent role in internationally negotiated settlements of civil wars, as in Nicaragua in 1990 and Cambodia in 1993, and conflicts over areas of contested sovereignty, including Bosnia, East Timor, Kosovo, Namibia, and the West Bank and Gaza.

Consolidating elections take place as part of a country's consolidation of new democratic institutions or continuing political transition. Or they occur in quasi-democratic countries. Such elections typically take place after a transitional or postconflict election, and accordingly election observers, policymakers, and academics sometimes refer to them as "second" (or "third") elections. Though less dramatic than transitional elections, consolidating elections in many countries continue to merit and attract international attention.

Transitional and postconflict elections gain particular attention from the international community. International responses to these exceptional circumstances have increasingly influenced international relations in the context of much less exceptional elections as well.

These types of elections are not necessarily mutually exclusive, because, for example, postconflict elections often mark political transitions.[12] But these categories are useful, for few transitional or postconflict elections avoid questions about the impartiality of electoral authorities or a struggle over rules, and most now attract international monitoring and other international assistance.

The Authority of Election Observers

We now turn from the subject of elections per se to the subject of election observers. On what basis do international observers claim the right to judge whether elections meet international standards? Critics often question who appointed the observers as arbiters of legitimacy.

International observers generally have no juridical role. Unless they are really something more than observers, they have no rights or responsibilities under national or international law to referee disputes or intervene in the election process. For most elections in sovereign countries, in the absence of a formal mandate from the United Nations or other intergovernmental organization, the role of observers is limited to reporting on their findings and seeking to persuade national and international decision makers or to influence national or international public opinion.

Multilateral organizations , nonetheless, have recognized the validity of election observation, which has helped to deflect arguments that election observing constitute interference in the internal affairs of sovereign countries. In 1989 in Kuala Lumpur, the Commonwealth's heads of government authorized it to assist member states through a "facility for mounting observer missions." In 1990 in Copenhagen, the Conference on Security and Cooperation in Europe formally endorsed the practice of international election observation:

> The participating States [of the Conference on Security and Cooperation in Europe] consider that the presence of observers, both foreign and domestic, can enhance the electoral process. . . . They therefore invite observers from any other participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law.

Similarly, the Interim Agreement between Israel and the Palestinian Liberation Organization in 1995 opened "all stages of the [Palestinian] electoral process . . . from the announcement through registration, campaign, polling, counting, compiling of results and complaints procedures" to observation by invited governments and intergovernmental organizations, foreign nongovernmental organizations (NGOs), and domestic monitoring groups. The European Commission states, "Human rights field missions and election missions are accepted as part of the mandate of the EU" under the Treaty of the European Union.[13]

International election observation has become a nearly universal trend for elections taking place in the context of transitions away from one-party or authoritarian states. Countries in transition generally seek international and domestic recognition for holding more open elections by inviting outside scrutiny. The legitimacy of international election monitoring is now well established.

Types of Election Monitoring

The terms "election observation" and "election monitoring" have come to describe a range of activities focused on either making controversial elections more acceptable or exposing their flaws. There are at least three distinct types of election monitoring: (1) "international observation" or "international monitoring" of transitional or other exceptional elections conducted by missions sent by governments, multilateral organizations, or international NGOs; (2) "domestic monitoring" by national organizations, especially nonpartisan NGOs and civic groups; and (3) "international supervision" by intergovernmental organizations of postconflict elections, referenda, and other self-determination exercises. In support of more democratic elections, domestic and international groups also involve themselves in voter education, election law reform, advising on election administration, media monitoring, and related activities.

International election observation as it is practiced today began as an ad hoc response of a few concerned outsiders to critically important elections in particular countries. In 1980, during an election that played a key role in the transition to independence in Zimbabwe (then Rhodesia), for example, "election observation" meant four individual activists arriving in the capital shortly before election day to talk to a few citizens about the process.[14] Similarly, in 1982 several NGOs from North America and Europe dispatched a few observers to witness an election in El Salvador.[15] Since that time, however, the common conception and expectations of international observation have fundamentally changed.

The presence of international observers at a series of important transitional elections in Eastern and Central Europe in 1990 helped confirm the increasing international acceptance of election monitoring in sovereign countries. In the immediate aftermath of those elections, the Conference on Security and Cooperation in Europe declared that all member-states should accept the presence of international observers for all national elections. Since 1988, the UN General Assembly repeatedly has endorsed United Nations involvement in election observation and election assistance. The Organization of American States and numerous other multilateral organizations likewise have endorsed and conducted international election observation.

Domestic election monitoring began in the Philippines in the mid-1980s with the pioneering experience of the National Citizens' Movement for Free Elections (NAMFREL), which has inspired many similar efforts around the world. Since then, in more than sixty countries and in every region of the

world, nonpartisan domestic election-monitoring organizations (EMOs) have provided momentum to the struggle for democracy by working to ensure that elections are competitive and meaningful (see tables 10.1 through 10.4 in this volume).[16] Domestic coalitions of NGOs, human rights groups, professional associations, social service organizations, university students, and others have worked effectively together to monitor important transitional or otherwise controversial elections in places as diverse as Bangladesh, Kenya, Mexico, Ukraine, and Yemen. EMOs have contributed to more genuine election processes by encouraging fairer campaign practices and a more informed electorate, as well as by reducing the possibility of fraud and irregularities on election day.

International supervision of elections typically refers to the more extensive engagement of multilateral organizations in postconflict elections, often in areas of contested sovereignty. It differs considerably from both international and domestic monitoring. Although the United Nations has supervised elections or referenda in non-self-governing territories since the 1940s, it began a new type of role in 1989 by overseeing elections that played a critical part in the transition to independence in Namibia as part of a peacekeeping operation. Four years later, the UN organized elections and administered key governmental functions as part of an internationally supervised peace settlement of the long-standing conflict in Cambodia. Similarly, in East Timor, the United Nations organized a referendum in 1999 and elections in 2001 and 2002. These extensive efforts differ in character from UN election assistance and election observation in member countries, which began in the early 1990s.

Other intergovernmental organizations have also supervised elections. The Organization for Security and Cooperation in Europe (OSCE) has supervised numerous elections, from Bosnia to Kosovo. The Organization of American States has had extensive involvement in various elections in Latin America.

Toward a Better Definition of Election Observation

Even defining what we mean by election observation has proven difficult. The Stockholm-based International Institute for Democracy and Electoral Assistance (International IDEA), a multilateral research and standard-setting organization, has defined election observation as "the purposeful gathering of information regarding an electoral process and the making of informed judgments on the conduct of such a process on the basis of the

information collected by persons who are not inherently authorized to intervene in the process."[17] This definition is unsatisfying, however, because it distinguishes international observers by who they are not: election authorities or others with an official role in the process. Yet many actors who are not international election observers in the conventional sense, such as journalists and diplomats, gather information and make informed judgments about potentially controversial elections in the absence of a mandate to intervene. Also, though observers may not be "inherently authorized to intervene," as we have seen, election laws and international norms increasingly recognize a role for both international and domestic observers.

Moreover, International IDEA's definition leaves out several elements that are key to the modern understanding of international election observation. Therefore, I would amend that definition to add focus on the purpose of the activity, the identity of the actors, and the use of the judgments, as follows. *International election observation is the purposeful gathering of information about an electoral process and public assessment of that process against universal standards for democratic elections by responsible foreign or international organizations committed to neutrality and to the democratic process for the purpose of building public and international confidence about the election's integrity or documenting and exposing the ways in which the process falls short.*

To be legitimate, international election observation must be intended solely to support democratic elections and democratic development rather than to assist particular parties or candidates or to further particular policy preferences or other interests of external actors. International election observation is an activity conducted by responsible, professional, credible foreign or international organizations focused on such objectives. This emphasis on the goals of the activity and the nature of the actors distinguishes international election observation from "electoral tourism," from partisan external intervention in domestic politics, and from efforts to further outside interests in a given country as opposed to that country's own national interest in having democratic institutions and genuine, periodic elections.

Observation versus Monitoring

International or domestic actors may engage in the "observation," "monitoring," "supervision," or "administration" of elections. The United Nations, rather than observing or monitoring elections, conducts what it calls

"verification." Jimmy Carter and other international actors sometimes involve themselves in the "mediation" of election-related disputes. Terminology is important, in part because foreign involvement in elections in other countries still raises sensitivities about encroaching on national sovereignty.

Accepted practice views the terms "observation" and "monitoring" as referring to different points of a continuum along two different dimensions: (1) the degree of involvement in the process, and (2) the period of time over which the activity takes place. With respect to involvement in the process, "observation" generally refers to something that is relatively passive, whereas "monitoring" connotes an activity that is at least somewhat more engaged. In theory, "observation" is strictly limited to recording and reporting; "monitoring" suggests at least the possibility of some modest interventions to correct imperfections or to make recommendations for action. In practice, though, observers at polling stations often provide advice and guidance or point out problems that can be fixed, at least if they can do so in an unobtrusive way. Likewise, leaders of observation missions often suggest improvements in the process to the authorities.

"Observation," says International IDEA, "involves gathering information and making informed judgements from that information." In contrast, "Monitoring . . . involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being violated or ignored."[18] As used by most election-monitoring organizations, however, "monitoring" does not involve the legal or formal authority to intervene. Monitoring suggests attention to a broad range of issues. These kinds of interventions are entirely appropriate for citizens in their own country. They may or may not be acceptable for international actors. By definition, neither observers nor monitors have a formal role.

With respect to the period of time, "observation" suggests a briefer involvement than does monitoring.[19] The activity of international figures or organizations that focus principally on polling day itself, and thus are not present in the country for very long, is best termed "observation" and the individuals, "observers." When domestic or international groups pay attention to an election process over time, their engagement might better be termed "monitoring," but individuals representing such monitoring groups who witness only the balloting and counting might still be referred to as "observers." Though much international attention to elections is superficial, particularly when it focuses narrowly on election day, the term "observation" should not be considered a pejorative one.

Following the practice of several experienced organizations, in this book, I generally refer to the presence of foreigners for election day, and the days immediately surrounding election day, as "observation." I generally call longer-term or more substantive involvement, whether by domestic or foreign organizations, "monitoring." But because there can be considerable ambiguity and overlap between these terms, this distinction is not rigorous. In addition, as chapter 5 explains with respect to Jimmy Carter, election monitoring can also edge into election mediation, as local actors invite or allow international figures to mediate election-related disputes or defer to what they perceive as more impartial judgments and recommendations offered by international actors.

International organizations, especially intergovernmental organizations, are sometimes called upon to "supervise" or "administer" postconflict elections or other electoral exercises that occur as part of internationally negotiated agreements. Supervision is further along the time and involvement continuums than is monitoring. "Supervision" of elections implies that another authority is responsible for organizing and administering the elections, but that the organization with a mandate to supervise has a defined role in the process. In Namibia in 1989, for example, the South African authorities remained responsible for organizing the elections under the supervision of the United Nations. Typically, that role is to follow the process much more closely than would an outside monitoring organization, to help arrange the legal framework, to advise on administrative and technical preparations, and to make recommendations on changes or reforms. Entities authorized to supervise an election often have an explicit or implicit veto over election procedures or plans. A supervising authority might well have a mandate to certify the process or parts of the process and would generally have larger numbers of personnel than would a monitoring organization. It might also have a funding role.

International organizations only "administer" elections when they have an explicit mandate to do so, either because there is no sovereign government or because the sovereign has for some reason conferred this role on an international or foreign entity. The United Nations, for example, administered 1993 elections in Cambodia during an internationally supervised transition period called for by a peace accord.

This book does not extensively consider case studies that specifically address election supervision and administration. That kind of international involvement in elections, which generally occurs in the context of conflict resolution and peacekeeping, raises considerably different issues and has been

the subject of greater study and comment than have election observation and election monitoring.[20]

The Extent of Election Monitoring

Election monitoring has become nearly routine in international relations. Between 1989 and 2002, international election observers were present for 86 percent of the national elections in ninety-five newly democratic or semiauthoritarian countries. These include the sixty-two countries that have held their first multiparty, competitive elections since 1989 and were rated "democratic" by Freedom House as of 2000. They also include the thirty-three countries rated by Freedom House as "authoritarian" or as "restricting democratic practices" that received election observers or external election assistance for at least one national election during that period. (I refer to countries in both of these less-than-democratic categories in this database as "semiauthoritarian." By definition, these are countries that have permitted at least some external engagement in their election.)[21]

As is shown in table 3.2 and the appendix at the end of the book, international election observers witnessed 303 of 352 national elections in the ninety-five countries. This does not count dozens of local elections, constitutional referenda, and other electoral exercises that observers have also witnessed. In the sixty-two Third Wave democracies meeting the criteria for the database, international election observers were present for 211 of 243 national elections (87 percent) that took place between 1989 and 2002. In the thirty-two semiauthoritarian countries, election observers (or, in a few cases, external technical advisers) were present for 92 of 109 national elections (84 percent). (The data do not cover established democracies—meaning, in this case, countries that held competitive, multiparty elections before 1989–or nondemocratic countries; in established democracies and nondemocratic countries, formal election observation is either not common or not permitted.) In addition, nonpartisan domestic EMOs have monitored more than 150 elections in more than two-thirds of the countries (sixty-six of ninety-five) in the survey universe.

International Election Observation by Region

Election observation is especially widespread in Eastern and Central Europe and the former Soviet Union, Latin America, and Africa. Election ob-

Table 3.2

Elections and Election Monitoring in Newly Democratic and Semiauthoritarian Countries

Region and Type of Government	Number of Countries	Number of Elections	International Observers Were Present		International Observers Were Not Present		Observers' Assessments							Countries with EMOs	
							Positive		Negative		Mixed				
			No.	%	No.	%	No.	%	No.	%	No.	%	Subtotal[a]	No.	%
Europe and Former Soviet Union															
Democratic	21	95	84	88	11	12	54	76	10	14	7	10	71	15	71
Semiauthoritarian	7	29	24	83	5	17	3	14	17	81	1	5	21	6	86
Total[b]	28	124	108	87	16	13	57	62	27	29	8	9	92	21	75
Asia and Pacific															
Democratic	10	32	24	75	8	25	20	100	0	0	0	0	20	7	70
Semiauthoritarian	4	12	10	83	2	17	3	38	2	25	3	38	8	4	100
Total	14	44	34	77	10	23	23	82	2	7	3	11	28	11	79
Africa (Sub-Saharan)															
Democratic	15	51	47	92	4	8	8	53	4	27	3	20	15	14	93
Semiauthoritarian	17	51	44	86	7	14	10	38	12	46	4	15	26	9	53
Total	32	102	91	89	11	11	18	43	16	40	7	18	41	23	72
Latin America and Caribbean															
Democratic	16	65	56	86	9	14	12	80	2	13	1	7	15	7	44
Semiauthoritarian	2	7	7	100	0	0	2	50	1	25	1	25	4	2	100
Total	18	72	63	88	9	13	14	74	3	16	2	11	19	9	50
Middle East and North Africa															
Democratic	0	0	0											0	
Semiauthoritarian	3	10	7	70	3	30	3	75	0	0	1	25	4	2	67
Total	3	10	7	70	3	30	3	75	0	0	1	25	4	2	67
Overall															
Democratic	62	243	211	87	32	13	94	78	16	13	11	9	121	43	69
Semiauthoritarian	33	109	92	84	17	16	21	33	32	51	10	16	63	23	70
Total[c]	95	352	303	86	49	14	115	63	48	26	21	11	184	66	69

Note: For detailed data by country, see the appendix table at the end of this volume. EMO = election-monitoring organization.

[a]Subtotal of elections for which it was possible to determine whether the observers' assessments were positive, negative, or mixed.

[b]The actual number of countries in Europe and the Former Soviet Union in the database is 27 because one country (Yugoslavia) is counted in both the democratic and the semiauthoritarian categories.

[c]The actual number of countries in the database is 94 because one country (Yugoslavia) is counted in both the democratic and the semiauthoritarian categories.

Sources: See the appendix at the end of this volume.

servers have been present for more than four-fifths of the elections in newly democratic and semiauthoritarian countries in these regions.

In Eastern and Central Europe and the former Soviet Union, the region covered by the OSCE, twenty-seven countries have accepted international observers from OSCE and elsewhere, covering 87 percent of the national elections (108 of 124) in those countries since 1990. This includes 88 percent of the elections (84 of 95) in the twenty-one newly democratic countries in the region. This experience certainly reflects the 1990 OSCE commitments to election observation. Formal observers were absent only for several elections in semiauthoritarian countries in the region early in the 1990s and for some elections in the unambiguously democratic countries of Central Europe and the Baltic Sea region. In the latter case, observers would presumably have been welcome but were not considered necessary.

Election observation has also been extremely common in Latin America and Africa. In Latin America and the Caribbean, observers from the Organization of American States and other organizations witnessed 88 percent of the national elections (63 of 72) in eighteen countries between 1989 and 2002. In Sub-Saharan Africa, there were observers (or foreign technical advisers) present for 89 percent of the elections (91 of 102) during the period, including 86 percent (44 of 51) in seventeen semiauthoritarian countries. In addition to multilateral organizations based in Africa, observers for elections on the continent typically came from Europe and the United States as well.

Election observers have been somewhat less common in the Asia-Pacific region. About three-quarters of the elections (34 of 44) in the thirteen relevant countries have had observers. Unlike Eurasia, Africa, and Latin America, Asia lacks a regional organization involved in election observing. Democratizing countries in Asia have also been relatively more affluent than in some other regions of the world, making them as a group less dependent on foreign aid.

Because competitive elections remain largely absent in the Middle East and North Africa, only three countries or territories have had formal international election observation: Yemen, Algeria, and Palestine.

Nonpartisan domestic groups have monitored elections in eleven of fourteen countries in the database in (79 percent) in Asia, twenty-one of twenty-eight countries (75 percent) in the OSCE region, two of three countries (67 percent) in the Middle East, twenty-three of thirty-two countries (72 percent) in Africa, and nine of eighteen countries (50 percent) in Latin America. There are no dramatic differences across regions in the experience with

nonpartisan domestic election monitoring in countries at comparable stages of democratic development.

International Election Observation in Newly Democratic versus Semiauthoritarian Countries

There is no significant difference in the extent of election observation in new democracies as compared with semiauthoritarian countries in the study overall (87 vs. 84 percent). Observers are slightly more likely to be present for elections in semiauthoritarian countries where elections are more likely to be controversial, as in Azerbaijan, Belarus, Cambodia, Kazakhstan, Kenya, Pakistan, and Zimbabwe. These are countries in which there is at least a possibility of competitive elections to attract the participation of observers. In new but stable democracies, such as Argentina, Chile, the Czech Republic, Hungary, and South Korea, the potential contribution of election observers is considerably less significant. Authoritarian countries that make no real pretense of holding multiparty, competitive elections generally do not invite or attract observers and therefore are not included in the data.

Although there is relatively little difference in the extent of observation between democratic and semiauthoritarian countries, the assessments of observers in semiauthoritarian countries tend to be considerably more negative. For elections for which it can be determined whether the assessments of international observers were essentially positive, negative, or mixed, observers seriously criticized only 13 percent of the elections in new democracies, while they reported favorably on 78 percent. For elections in semiauthoritarian countries, in contrast, international observers issued negative public reports in more than half the cases and made positive statements in only about a third.

There was little difference in this pattern by region. In the OSCE region, observers issued positive reports for elections in democratic countries 76 percent of the time as compared with 14 percent in semiauthoritarian countries. In Asia, observers gave positive assessments for 100 percent of the elections in newly democratic countries as compared with only three of the eight elections they observed in semiauthoritarian countries. In Africa, there were positive reports for about half of the relevant elections in new democracies as compared with just over a third of the rated elections in less democratic countries. In Latin America, the relevant numbers are 80 percent positive in newly democratic countries as compared with two of four elections in semiauthoritarian ones.

It is not surprising that observers would tend to find elections in newly democratic countries more satisfactory than elections semiauthoritarian ones. Indeed, a country presumably must hold reasonably competitive, fair elections to be rated a democracy in the first place. In many instances, less-than-democratic elections took place before the transition to democracy.

Toward Universal Norms

International observation is now an international norm, and established democracies, like emerging ones, must and do welcome international observers. Observers of regular elections in the United States or Western Europe may be less inclined to offer public assessments of the fairness of those elections, but only because the election process itself is generally a good bit less newsworthy. In addressing whether international election observers are necessary in developed democracies, Hrair Balian, the former head of the election section at the OSCE, asks rhetorically whether they "can add anything in terms of building confidence, deterring violations, raising early warning, mitigating conflict, and providing assistance." Civil society organizations, the judiciary, and administrative processes in developed democracies, he suggests, are "better equipped to address the problems than foreign observers."[22] (Elections in Florida may now be an exception; several American and foreign organizations, from the NAACP to the OSCE, monitored and issued public assessments of the 2002 elections in the state.)[23]

Democracy and elections are accepted international norms. The legitimacy and appropriateness of democracy promotion is also now universally agreed. But there is a need for more practical and effective assistance. Election monitoring is the highest-profile democracy-promotion activity and continues to attract much attention and resources. Those interested in supporting global democracy need to better understand the genesis of the phenomenon of election monitoring so they can learn how to improve it. The rest of this book tells the story of the origins of international and domestic election monitoring and uses examples and case studies to show how election monitoring has contributed or failed to contribute to democratization. The lessons from this experience should help policymakers, program managers, donors, and diplomats make better contributions to global democratization in the future.

This first part of the book has explained the emergence of international and national election monitoring during the past fifteen years in the context

of three related trends: the democratization of countries around the world, the emergence and growing international acceptance of democracy promotion, and the continuing and justifiable international attention to elections. Election observation and election monitoring, by international or foreign organizations and by nonpartisan domestic groups, have built upon and reinforced these trends. We now turn to the subject of the rest of the book: a close examination of the emergence, contributions, and prospects of the closely related but different phenomena of international and domestic election monitoring.

NGOs as transnational "advocacy networks" as described by Margaret Keck and Kathryn Sikkink; see Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y.: Cornell University Press, 1998). Democracy NGOs, like other transnational civil society movements, constitute what Ann Florini has called a "third force" of international democracy promotion. Ann M. Florini, ed., *The Third Force: The Rise of Transnational Civil Society* (Tokyo and Washington: Japan Center for International Exchange and the Carnegie Endowment for International Peace, 2000).

3 Elections and Election Monitoring

1. UN secretary general Kofi Annan, "Closing Remarks to the Ministerial" (Warsaw, June 27, 2000).

2. Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: Norton, 2003), 17.

3. Zakaria, *Future of Freedom,* 18.

4. Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: Norton, 2000), 16.

5. Amy Chua, *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability* (New York: Doubleday, 2003), 194.

6. Samuel Huntington, *The Third Wave* (Norman: University of Oklahoma Press, 1991), 9.

7. *The Universal Declaration of Human Rights,* art. 21(3); UN General Assembly, *International Covenant on Civil and Political Rights,* Resolution 2200A (XXI), UN Doc. A/6316 (December 16, 1966), art. 25.

8. "American Convention on Human Rights" (signed at San José, Costa Rica, November 22, 1969; entered into force July 18, 1978), art. 23(1)(b) ("Every citizen shall enjoy the following rights and opportunities . . . to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters"); Conference on Security and Cooperation in Europe, *The Document of the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE* (Copenhagen, June 29, 1990), arts. 5–7 ("The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government"), art. 6; Council of Europe, *Protocol (No. 1) to the European Convention for the Protection of Human Rights and Fundamental Freedoms,* (Paris, 1952), art. 3 (in which the parties "undertake to hold free elections at reasonable intervals by secret ballot"); Organization of African Unity, *The African Charter on Human and People's Rights,* OAU Doc. CAB/LEG/67/3 rev. 5 (Banjul, Gambia, June 27, 1981), art. 13; Inter-Parliamentary Council, *Declaration on Criteria for Free and Fair Elections,* 154th Session (Paris, March 26, 1994), art. 1. Organization of African Unity, *The African Charter for Popular Participation in Development and Transformation* (Arusha, 1990), art. 10 ("Popular participation is the fundamental right of the people to fully and effectively participate in the determination of the decisions which affect their lives"); African Union, *The Durban Declaration in Tribute to the Organization of African Unity on the Occasion of the Launching of the African Union* (Durban, South Africa, July 11, 2002), art. 10 (calling for Africa to be "governed on the basis of democracy and by governments emanating from the will of the people expressed through transparent, free and fair elections"); Organization of American States, *American Declaration of the Rights and Duties of Man,* General Assembly Resolution 30, art. 20 (elections "shall be honest, periodic and free"); UN Human Rights Commission, *Promoting and Consolidating Democracy,* Resolution 2000/47, par. 1(d)(ii).

9. Elizabeth Spiro Clark, "Why Elections Matter," *Washington Quarterly* (summer 2000) 32.

10. Adrian Karatnycky, "The 1998 Freedom House Survey: The Decline of Illiberal Democracy," *Journal of Democracy* 10, no. 1 (January 1999): 112–25.

11. Generally, the plural "elections" is preferable if the reference is to parliamentary or legislative contests (because there is more than one contest to be decided) or if there is more than one body being chosen (as when presidential and legislative elections or parliamentary and local elections are held simultaneously).

12. Subclassification is possible, for example, "back-sliding" elections as a subcategory of consolidating elections in which a country holds elections to "disguise a deteriorating democratic process" while it appears to be failing to hold on to democratic gains or "managed transition" elections as a subcategory of transitional elections, where existing power holders hold elections as a part of a managed reform process. See International Institute for Democracy and Electoral Assistance (International IDEA), *The Future of International Electoral Observation: Lessons Learned and Recommendations* (Stockholm: International IDEA, 1999), 4; National Democratic Institute for International Affairs (NDI), "Lessons Learned and Challenges Facing International Election Monitoring" (paper prepared by Patrick Merloe, April 1999).

13. Commonwealth Heads of Government, "Declaration" (Kuala Lumpur, 1989), cited in Amanda Sives, "Adding Value to the Commonwealth Democracy Programme: ACPSU Submission to the High Level Review Group" (evaluation paper, Institute for Commonwealth Studies, London, n.d.), 3; Organization on Security and Cooperation in Europe, *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE* (Copenhagen, June 29, 1990), art. 8. The article adds, "They will also endeavor to facilitate similar access for election proceedings held below the national level"; "Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip" Annex II, Protocol Concerning Elections (Washington, September 28, 1995), art. V, sections 2, 3 and 11 and appendix 2, part A; Commission of the European Communities, "Communication from the Commission on EU Election Assistance and Observation" (report, Brussels, April 11, 2000), 3.

14. For example, George M. Houser, American Committee on Africa (letter, March 4, 1980), http://richardknight.homestead.com/files/zimletmarch80.htm; American Committee on Africa, "America Observers Report Intimidation in Rhodesian Elections" (press release, New York, February 20, 1980), http://richardknight.homestead.com/files/zimintimidation.htm.

15. See Larry Garber, *Guidelines for International Election Observing* (Washington, D.C.: International Human Rights Law Group, 1984), annex I, 94–96, citing, for example, British Parliamentary Human Rights Group, *The Election in El Salvador in March 1982* (London: British Parliamentary Human Rights Group, 1982); The Disarm Education Fund, *Eyewitness Report on the Salvadoran Elections* (New York: Disarm Education Fund, 1982); Freedom House, *Report of the Freedom House Mission to Observe the Election in El Salvador, March 28, 1982* (Washington, D.C.: Freedom House, 1982);

Robert L. Wenman, member of Parliament, Canada, *Report on the El Salvadoran Elections and Central America* (Ottawa: Parliament of Canada, 1982).

16. There is no single acronym or abbreviation for nonpartisan domestic election monitoring organizations that is universally used. A 1995 publication of NDI and the National Citizens Movement for Free Elections (NAMFREL) in the Philippines suggested the abbreviation "EMO" for an election-monitoring organization. NDI and NAMFREL, *Making Every Vote Count: Domestic Election Monitoring in Asia,* (Washington, D.C.: NDI, 1996), 3. The book was translated into the Indonesian language, and the term became part of the lexicon in Indonesia for transitional elections in 1999. It has also been used in other Asian countries. It has not become a commonly recognized acronym outside the region, but neither has any other acronym or shorthand term for nonpartisan domestic election monitoring organizations.

17. International IDEA, *Future of International Electoral Observation,* 3.

18. International IDEA, *Code of Conduct: Ethical and Professional Observation of Elections* (Stockholm: International IDEA, 1997), 8.

19. "Usually the distinction [between observation and monitoring] is made by the length of the period during which the election is being watched. Observation, then, is restricted to the actual election day(s) and (part of) the counting of the votes during the day(s) afterwards. Monitoring covers a much longer period and includes the months prior to the actual election day(s)." D. Foeken and T. Dietz, "Of Ethnicity, Manipulation and Observation: the 1992 and 1997 Elections in Kenya," in *Election Observation and Democratization in Africa,* ed. Jon Abbink and Gerti Hesseling (New York: St. Martin's Press, 2000), 136.

20. For example, Krishna Kumar, ed., *Postconflict Elections, Democratization & International Assistance* (Boulder, Colo.: Lynne Reinner, 1998); Michael W. Doyle, Ian Johnstone, and Robert C. Orr, ed., *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997); Janet E. Heininger, *Peacekeeping in Transition: The United Nations in Cambodia* (New York: Twentieth Century Fund Press, 1994); NDI, *Nation Building: The U.N. and Namibia* (Washington, D.C.: NDI, 1990).

21. The country ratings are from Freedom House, *Democracy's Century: A Survey of Global Political Change in the 21st Century* (n.d.), available at www.freedomhouse.org. The database includes only countries that have populations of more than 600,000. The data cover all countries rated as "democratic" by Freedom House that held their first multiparty elections after 1989. All these countries would probably be considered Third Wave democracies. The database also includes all elections in countries rated as "authoritarian" or as "restricting democratic practices" that have had at least one election witnessed by international observers. The data do not include Third Wave democracies, however, that made transitions before 1989, or states that have never allowed international observers. Beginning with the first competitive election or the first election subject to international observation, whichever comes first, the data include all national elections in the selected countries. I consider elections for different national offices held on the same date (for example, presidential and legislative elections) to be one election but count them as separate elections if they are held on different dates. The data do not count runoff elections or re-polling as separate elections. Yugoslavia (Serbia and Montenegro) is counted in both categories, but the republics of Serbia and Montenegro are not counted as seperate countries even though the database includes elections in these republics.

In addition to national elections in sovereign countries, the study includes elections in the Hong Kong Special Administrative Region of China, in the West Bank and Gaza, and in the republics of Serbia and Montenegro, which are in a federation. Each of these jurisdictions operates for purposes of elections more like an independent country than a more typical subnational entity. Bosnia and Herzegovina is included as a democracy even though, as of 2000, Freedom House rated it a "protectorate." Freedom House rated the Federal Republic of Yugoslavia as "authoritarian" as of 2000, but because of the dramatic transition in Yugoslavia in September 2000, I have considered it a democracy in categorizing all elections in Yugoslavia, Serbia, or Montenegro since then.

22. Hrair Balian, "Ten Years of International Election Assistance and Observation" (article, OSCE Office of Democratic Institutions and Human Rights, Warsaw, 2001), 4.

23. A coalition of 20 national organizations, including People for the American Way, the NAACP, and the American Civil Liberties Union, monitored the 2002 Florida election. The Center for Democracy, a nongovernmental election monitoring organization, contracted with Miami-Dade officials to provide observers. Tatsha Robertson, "Outside Monitors to Keep Eye on Florida Votes," *Boston Globe,* November 5, 2002. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) also sent a team of monitoring experts. OSCE/ODIHR, *United States of America, General Elections, 5 November 2002, Implementation of Election Reforms* (Warsaw: OSCE, 2003).

4 From Nongovernmental to Intergovernmental Organizations: Actors in International Election Monitoring

1. UN General Assembly Resolution 174 (II) (November 21, 1947).

2. *Human Rights Questions Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms: Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections,* Report of the Secretary General, A/46/609 (November 19, 1991), para. 12.

3. UN Security Council Resolution 435 (September 29, 1978), para. 3.

4. Larry Garber and Clark Gibson, "Review of United Nations Electoral Assistance, 1992–93" (report, United Nations Development Program, Project INT/91/033, August 18, 1993), 19; Marjorie Ann Browne, *United Nations Peacekeeping: Issues for Congress* (Washington, D.C.: Congressional Research Service, updated February 23, 2001), 7; UN General Assembly Resolution 44/10 (October 23, 1989).

5. UN General Assembly Resolution 45/2 (October 10, 1990).

6. UN General Assembly Resolution 43/157 (December 8, 1988). See, generally, Nigel White, "The United Nations and Democracy Assistance: Developing Practice within a Constitutional Framework," in *Democracy Assistance: International Co-Operation for Democratization,* ed. Peter Burnell (Portland, Ore.: Frank Cass, 2000), 67–89.

7. UN General Assembly Resolution 46/137 (December 17, 1991).

8. UN General Assembly Resolution 46/137 (December 17, 1991), sec. 4.

9. UN General Assembly Resolution 47/138 (December 18, 1992).

10. For example, UN General Assembly Resolution 56/159 (December 19, 2001); UN General Assembly Resolution 54/173 (December 17, 1999).

11. Electoral Assistance Division, Department of Political Affairs, United Nations, www.un.org/Depts/dpa/ead/website9.htm; Report of the Secretary General, *Enhancing*